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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/060,020

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Terence Edward Sumner

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BOSTON, MA 02109

EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,020

Applicant(s)

SUMNER ET AL.

Examiner

Duc C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, and 7-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03-28-02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 15-21, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gunnarsson et al. (U.S. 2003/0118015), hereinafter referred to as Gunnarsson.

Regarding claim 1, Gunnarsson discloses location based notification of WLAN availability via wireless communication network.

The wireless network 10-fig.2 tracks the current location of a mobile terminal 60-fig.2 associated with a user and sends a notification to a subscriber, i.e., a beep, via the mobile terminal 60 when there is a WLAN in the vicinity of the user's current location, wherein the notification could be sent from another device, i.e, a mobile location detection device, via the WWAN such as the Internet 40-fig.2 see 0018. Based on the notification, the WLAN interface of the computing device 70-fig.1 is activated for connection, wherein the mobile terminal and the computing device may form an integrated unit, see abstract.

Regarding claim 2, the mobile terminal 60-fig. 2 is able to receive data such as carrier frequency of WLAN 20-fig.2 via the Internet, see 0023.

Regarding claim 3, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, see 0022.

Regarding claim 4, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, such as paging, see 0022.

Regarding claims 15, 19, and 20, these claims have similar limitations as claim 1. Therefore, it is rejected under Gunnarsson for the same reasons set forth in the rejection of claim 1.

Regarding claim 21, this claim has similar limitations as claim 2. Therefore, it is rejected under Gunnarsson for the same reasons set forth in the rejection of claim 2.

Regarding claim 16, the mobile terminal 60-fig.2 is capable of receiving data from the WLAN 20-fig.2 via the Internet 40-fig.2.

Regarding claim 17, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, see 0022.

Regarding claim 18, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, such as paging, see 0022.

Regarding claim 24, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, see 0022.

Regarding claim 25, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, see 0022.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunnarsson.

Regarding claim 5, Gunnarsson discloses location based notification of WLAN availability via wireless communication network. The wireless network 10-fig.2 tracks the current location of a mobile terminal 60-fig.2 associated with a user and sends a notification to a subscriber, i.e., a beep, via the mobile terminal 60 when there is a WLAN in the vicinity of the user's current location, wherein the notification could be sent from another device, i.e, a mobile location detection device, via the WWAN such as the Internet 40-fig.2 see 0018. Based on the notification, the WLAN interface of the computing device 70-fig.1 is activated for

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connection, wherein the mobile terminal and the computing device may form an integrated unit, see abstract.

The mobile 60-fig.1 may only be alerted to the presence of WLAN 20 when it is being serviced within sector D1, and might not be so alerted in sectors D2 and D3, see 0020-page 3.

Gunnarsson, however, does not expressly disclose a list of WLANs.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a list of plurality of WLANs in order to alert the user in advance so that even though he/she is currently with a particular WLAN, but he/she also understand that his or her device is also within a proximity of other WLANs for data exchange or for a particular service.

Regarding claim 22, in Gunnarsson, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, such as paging, see 0022.

6. Claims 7-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunnarsson, in view of Eaton et al.(US 6,888,811), hereinafter referred to as Eaton.

Regarding claim 7, Gunnarsson discloses all claimed limitation, except sending information to a control point of the WLAN to authorize the wireless device to utilize a service through the WLAN.

Eaton discloses communication system for location sensitive information and method therefor. The SNAP130-fig.3 can communicate with the processor 156-fig. 3 to authorize the portable device 100 to have a service through the WLAN114, see col. 11, lines 28-46.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ an access point as taught by Eaton into the

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system of Gunnarsson so that a user would know for sure that his or her device is authorized to utilize the service that the WLAN offered due to the granted access of the WLAN's access point.

Regarding claim 8, according to Eaton, the portable device 100-fig.3 gets authorization for accessing to the WLAN 114 via the SNAP 130-fig.3.

Regarding claim 9, Gunnarsson teaches billing service for usage of service through the WLAN20-fig.1, see 0016.

Regarding claim 12, in Gunnarsson the Internet 40-fig.2 is coupled to a WLAN 20-fig.2. The connection to the Internet is in proximity to the WLAN 20.

Regarding claim 13, in Eaton the portable device 100 is able to access to the Smart Network Access Point directly or indirectly to a geo-location network for proximity to a WLAN from the location information 146-fig. 3.

Regarding claim 14, in Eaton the portable device 100 is able to use location information 120-fig. 2 to approximate proximity to a WLAN.

Regarding claim 23, in Gunnarsson, the Internet 40-fig. 2 is capable of having connections that includes narrowband packet data connection, such as paging, see 0022.

7. Claims 10-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunnarsson, in view of Eaton, and further in view of Juha Ala-Laurila et al. (Wireless LAN access network Architecture for wireless devices, EE time, Dec,5 2001-IDS), here in after referred to as Laurila.

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Regarding claims 10-11, Gunnarsson and Eaton disclose all claimed limitations, except validating the identity of the wireless device before permitting access to the WLAN.

Laurila discloses wireless LAN access network architecture for mobile operators. the authentication server-fig. 2 is used for validating and authenticating the identity of the user of service before permitting access to the WLAN for services, see page 84, at the heading "authentication server" and the "access controller".

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a step of validating the identity of the wireless device before permitting access to the WLAN as taught by Laurila into the combination system of Gunnarsson and Eaton in order to provide authentication and billing services for thousand of users potentially using the WLAN services.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

A handwritten signature in black ink, appearing to read "Duc Ho", written in a cursive style.

Duc Ho

07-12-06